

REMARKS

Claims 1-20 were examined in a subject Office action dated 10 October 2008. In response thereto, claims 1-16, 19 and 20 have been amended, claim 21 has been added, claim 18 has been canceled, and claim 17 remains pending under active prosecution as shown on pp. 2-4 of the Reply.

Applicants' representative David Franklin appreciates the courtesy extended by the Examiner in entertaining an Applicant-Initiated Interview on 03 Dec 2008. The amendments and remarks made herein encompass those made on that occasion.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-20 Under 35 U.S.C. §102(b)

Claims 1-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Mitchell (US 5,903,278). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. The cited reference Mitchell fails to teach all of the claim limitations.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Turning to claim 1, the claim 1 as amended recites that the diagram that stores at least one shape element *in accordance with object role modeling* and that the application program interface is an object model API. The amendment to the claim is supported at least by Paragraphs 0067-0068.

In rejecting claim, the Examiner relied upon Mitchell at Col. 7, lines 42-64. Applicants note that this excerpt fails to disclose use of object role modeling. Moreover, the pseudocode excerpts throughout the Detailed Description of Mitchell make clear that Mitchell does not teach or suggest use of object role modeling. As such, Mitchell fails to teach or suggest the claimed limitations. Reconsideration and allowance is respectfully requested for claim 1, as well as claims 2-14 that depend there from.

With further reference to claim 13, the claim recites an additional feature of a hittest, which has been amended in accordance with paragraph 0066 to clarify that a hittest occurs when a user drops by dragging to distinguish the teaching of Mitchell at Col. 7, lines 25-41.

Turning to claim 15, the claim has been amended in a fashion similar to claim 1. For at least the same reasons, reconsideration and allowance is respectfully requested for claim 15 as well as for claims 16 and 17 that depend there from.

Turning to claim 19, the claim has been amended in a fashion similar to claim 1. For at least the same reasons, reconsideration and allowance is respectfully requested for claim 19.

Turning to claim 20, the claim has been amended in a fashion similar to claim 1. For at least the same reasons, reconsideration and allowance is respectfully requested for claim 20.

New claim 21 has been added and is supported at least by the disclosure at paragraphs 0005, 0076, and 0078.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP570US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/David E. Franklin/

David E. Franklin

Reg. No. 39,194

AMIN, TUROCY & CALVIN, LLP
57TH Floor, Key Tower
127 Public Square
Cleveland, Ohio 44114
Direct (216) 535-7946
Telephone (216) 696-8730
Facsimile (216) 696-8731